

CHAPTER NO. 7

HOUSE BILL NO. 1338

By Representative Ford

Substituted for: Senate Bill No. 1613

By Senator Haun

AN ACT to amend Chapter 392 of the Acts of 1901; as amended by Chapter 34 of the Private Acts of 1929, Chapter 198 of the Private Acts of 1947, and any other acts amendatory thereto, to change the name of the Board of Electric Light and Waterworks Commissioners of the City of Morristown, Tennessee, to the Morristown Utilities Commission; and to expand the commission and its authority, change the terms of office, and provide for a method of appointment and a method to fill vacancies.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION I. Section 1 of Chapter 392 of the Acts of 1901, as amended by Chapter 34 of the Private Acts of 1929, and any other acts amendatory thereto, is amended by deleting the section in its entirety and substituting in lieu thereof the following new section:

NAME CHANGE; MEMBERSHIP; APPOINTMENT OF MEMBERS

Section 1.

(a) Name-Authority. The Board of Electric Light and Waterworks Commissioners is hereby designated the Morristown Utilities Commission. Said Utilities Commission shall have authority to manage and control the electric power and water utilities and, subject to city council approval, all other municipal utilities of the City of Morristown, Tennessee, except sewer, which are both within and without the corporate limits of the City, all in accordance with and subject to the requirements of state and federal laws, rules and regulations.

(b) Membership; Appointment; Term. The commission shall consist of five (5) persons to serve five (5) year terms. In order to facilitate an orderly transition with respect to expansion of membership and term of office, the present terms shall be modified in the following manner:

<u>Term Expiring</u>	<u>Modified to Expire</u>
July 31, 2001	July 31, 2006
July 31, 2002	July 31, 2005
July 31, 2003	July 31, 2004

In addition to the enumerated modifications, there shall be two (2) additional commissioners to be appointed to increase the commission to five (5) members.

Each of the additional commissioners shall be appointed in accordance with the procedures provided herein for nominations. The first new appointment shall be made for a term beginning August 1, 2001 and expiring July 31, 2002.

The second new appointment shall be made for a term beginning August 1, 2001 and expiring July 31, 2003. All subsequent terms of all commissioners shall be for five (5) years.

Prior to the first day of July, 2001 and prior to the first day of July in each succeeding year, the commissioners shall submit to the mayor a list of three (3) nominees for the commission seat expiring as of July 31. The mayor shall within thirty (30) days of submission select one (1) name for nomination from the three (3) submitted. A majority vote of the city council shall be necessary for the election of such nominee. Should the city council fail to take action to either approve or disapprove a nominee within a period of thirty (30) days following notice of such nomination to the council, said nominee shall be deemed elected. In the event that a nominee is disapproved by a majority vote of the city council, or in the event a nominee fails to be approved by a majority vote of council, the nomination procedure shall be repeated, except that the commission shall have fourteen (14) days from notice of disapproval in which to submit the names of three (3) nominees, which may include the two (2) not previously selected by the mayor.

In the event of a vacancy during the term, said vacancy shall be filled for the remainder of the term in accordance with the procedures provided herein for nominations, except that the commission shall make its nominations to the mayor within thirty (30) days of the occurrence of the vacancy to commence the election process.

SECTION 2. Section 2 of Chapter 392 of the Acts of 1901, as amended, is amended by deleting the section in its entirety and substituting in lieu thereof the following new section:

QUALIFICATIONS OF COMMISSIONERS; OATH AND BOND;

COMPENSATION; REMOVAL OF COMMISSIONERS;

COMMISSIONERS NOT TO HOLD OTHER OFFICE

Section 2. The commissioners shall be residents of said municipality, and reside within the corporate limits thereof. Said commissioners shall be elected by the city council as hereinbefore provided. Said commissioners, before entering upon their duties, shall make and subscribe an oath in writing to faithfully discharge their duties as such commissioners, and each will give bond in such sum as the corporate authorities may require, payable to the State of Tennessee, conditioned for the careful and faithful performance of their duties as such commissioners, and upon said bonds a right of action will be in the name of the State for the use of the party or parties aggrieved by any neglect of duty on the part of said commissioners. Said commissioners shall receive such compensation as the city council may determine, and any and all of them may be removed from office by the city council for malfeasance or misfeasance therein. No person holding any other office pertaining to said city shall be eligible for the office of commissioner.

SECTION 3. Section 3 of Chapter 392 of the Acts of 1901, as amended, is amended by deleting the section in its entirety and substituting in lieu thereof the following new section:

CHAIRMAN AND SECRETARY; QUORUM; RECORDS TO BE KEPT;

POWERS AND DUTIES GENERALLY

Section 3. The commissioners, upon their election and qualification, shall organize by selecting one (1) of their number chairman and one (1) secretary. A majority of the commissioners shall constitute a quorum for the transaction of business, and all matters to be determined by them shall be determined by a majority vote, and they shall keep a record of all their transactions in a well-bound book, which shall be open, on demand, to the inspection of any and all citizens and taxpayers of the City of Morristown. Said utilities commissioners shall have charge and supervision of the electric light and waterworks systems of the corporation, and with prior approval of city council, telecommunications, natural gas, ISP and CATV services and any other utility service, except sewer, and shall have full power to make all contracts necessary to the operation thereof, employing such help as may be necessary, and fixing the salaries of all employees, and fixing rates for such services, and through their secretary, collect the same, it being the intention hereby to make said utilities commissioners a separate and independent body for the performance of the duties of the positions to which they are elected. The fees or proceeds arising for the use of the various utilities, when collected, shall be kept separate from the other as a separate enterprise fund to be applied to the operation of each particular utility. The net proceeds of each utility shall only be liable for the debts and liabilities of that particular utility hereafter occurring, but the property of commission and proceeds thereof shall be liable for any debts heretofore contracted. Said commissioners will make reports at least annually to the city council, setting out in said report separately the receipts and disbursements of each of said utilities, and reciting therein all business transacted by them since the date of their last report.

SECTION 4. Section 3A and 3B of Chapter 392 of the Acts of 1901, as amended by Chapter 198 of the Private Acts of 1947, and any other act amendatory thereto, are amended by deleting the sections in their entirety and substituting in lieu thereof the following new language:

AUTHORITY TO EXTEND ELECTRIC AND WATERWORKS SYSTEMS

Section 3A. The utilities commissioners of the City of Morristown may create, expand, enlarge and extend the utilities authorized by them to create or operate by city council to such point or points within or without the corporate limits of the City of Morristown in conformity with general law and as in their discretion may be deemed necessary or desirable.

REPEAL OF CONFLICTING ACTS

Section 3B. That all Acts or parts of Acts in conflict with this Act be and the same hereby are repealed.

SECTION 5. Section 4 of Chapter 392 of the Acts of 1901, as amended, is amended by deleting the section in its entirety.

SECTION 6. This act shall have no effect unless it is approved by a majority of the number of qualified voters of the City of Morristown voting in an election on the question of whether or not the act should be approved, said election to be held at the time of the city election on the first Tuesday in May, 2001. The ballots used in such election shall have printed on them the substance of this act and the voters shall vote for or against its approval. The votes cast on the question shall be canvassed and the results proclaimed by the county election commissioners and certified by them to the Secretary of State as provided by law in the case of general elections. The qualifications

of voters voting on the question shall be the same as those required for participation in city elections. All laws applicable to general elections shall apply to the determination of the approval or rejection of this act.


SECTION 7. For the purpose of approving or rejecting the provisions of this act, as provided in Section 6, it shall be effective upon becoming a law, the public welfare requiring it, but for all other purposes the provisions of the act shall be effective only upon being approved as provided in Section 6.

PASSED: March 1, 2001


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 2nd day of March 2001


DON SUNDQUIST, GOVERNOR